

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

RAMSEY ASSET MANAGEMENT, LLC,

Plaintiff,

v.

Civil Action No.: 1:23-cv-01554-CMH-WEF

THE STANDARD INSURANCE COMPANY,

Defendants.

DEFENDANT’S MOTION TO DISMISS AMENDED COMPLAINT

Defendant, Standard Insurance Company (“Standard”), by counsel, moves pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss the Amended Complaint, ECF Doc. 38.

In its Amended Complaint, plaintiff, Ramsey Asset Management (“RAM”), has asserted one count against Standard for breach of two insurance policies. As more fully set forth in the accompanying brief, RAM’s claims fail as a matter of law for the following reasons:

- 1) RAM failed to provide timely notice of claim and proof of a claim for benefits, which are conditions precedent to the payment of benefits under the insurance policies at issue in this case;
- 2) This suit was commenced after the expiration of a contractual limitation period for bringing suit; and
- 3) RAM’s conclusory allegation of waiver of defenses is insufficient to avoid dismissal.

Accordingly, Standard respectfully requests that the Amended Complaint be dismissed with prejudice.

Dated: March 5, 2024.

Respectfully submitted,

THE STANDARD INSURANCE COMPANY

By Counsel

/s/ E. Ford Stephens

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of March, 2024, I will electronically file a copy of the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to any registered participants as identified on the NEF to receive electronic service, including:

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